



Title IX Office

7000 Fannin, Suite 150
Houston, Texas 77030
713.500.CALL (2255)
CALL@uth.tmc.edu

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Sent Via Email: [REDACTED]@uth.tmc.edu and mhennessy@gkfirm.com

Dear Mr. [REDACTED]:

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state laws, UTHealth has developed policies that prohibit sex discrimination. Specifically, the UTHealth Handbook of Operating Procedures (HOOP) *Policy #59 – Sexual Misconduct* outlines the policies and procedures for addressing compliance with Title IX and for resolving complaints under the policy.

In February 2020, Ms. [REDACTED] (“Complainant”) made a report to UTHealth Diversity & Equal Opportunity (EO) Office alleging that you (“Respondent”) engaged in dating violence. Specifically, on February 14, 2020, you threatened to physically harm yourself and later threatened to cause physical harm to Complainant by the use of a firearm while displaying a firearm. *HOOP Policy #59* includes dating violence within the term of sexual misconduct and defines dating violence as, “Violence committed by a person who is or has been in a romantic or intimate relationship with the victim. The existence of such a relationship will be determined based on its length, type, and frequency of interaction of the persons involved. Dating violence includes physical or sexual abuse, or the threat of such abuse. It does not include acts covered under the definition of domestic (family) violence.”

The standard of proof for determining allegations of sexual misconduct (dating violence) under *HOOP Policy #59* is a preponderance of the evidence.

As part of the investigative process, you were provided the opportunity to review the investigation summary and submit comments.

Final Findings and Determination:

The allegation was substantiated.

The investigation was able to substantiate that Complainant and Respondent had been in a dating relationship for about 1.5 years.

The investigation was able to substantiate that Respondent made a threat of violence against himself on February 14, 2020, based on Complainant’s statement and Respondent’s statement that he told Complainant he was going to kill himself.

The investigation was able to substantiate that Respondent made a threat of violence against Complainant on February 14, 2020, based on Complainant’s statement and the following:

- *Respondent's statement that he had a pistol on the couch with him when Complainant entered his apartment;*
- *Respondent's statement that he had the pistol in his hand and motioned with the pistol toward the door (same general direction as the location of the Complainant at the time of the incident);*
- *Respondent's statement that Complainant was standing in the entryway behind him the entire time.*

The investigation was unable to substantiate that Respondent made the verbal threat to put a bullet through Complainant's head/skull; however, Respondent indicated that while motioning with the gun in his hand toward the door where Complainant stood, he raised his voice and asked Complainant to leave.

It is more likely than not that Complainant felt threatened by Respondent's actions in his apartment on February 14, 2020, based on the following:

- *Complainant's statement that she immediately left Respondent's home and took the stairs from the fifth floor to the first floor because she did not want to wait for the elevator;*
- *Respondent's statement that Complainant briskly left his apartment;*
- *Complainant's statement that she immediately called the police; and*
- *Witnesses' statements as to Complainant's demeanor immediately after the encounter (i.e. bawling, puking, distracted, etc.).*

After careful review of the information gathered by the EO investigation and the comments submitted, it is my determination that there has been a violation of HOOP Policy #59. As such, in accordance with HOOP Policy #186 – Student Conduct and Discipline, we are referring the matter to the Dean at McGovern Medical School for disciplinary action in accordance with the applicable disciplinary procedures. The Dean or their designee will contact you regarding next steps.

If you have any questions regarding this decision or any future concerns, please feel free to contact me.

Sincerely,

Deana K. Moylan

Deana K. Moylan
Associate Vice President of Diversity & Equal Opportunity
Deputy Title IX Coordinator